

# HOUSE BILL REPORT

## HB 2446

---

### As Reported by House Committee On: Local Government

**Title:** An act relating to school district substitute teacher and substitute educational aide contracts.

**Brief Description:** Permitting certain school district substitute employee contracts.

**Sponsors:** Representatives Buri, Sump and Haler.

#### **Brief History:**

##### **Committee Activity:**

Local Government: 1/16/06, 1/25/06 [DPS].

#### **Brief Summary of Substitute Bill**

- Allows an officer of a second class school district with fewer than 200 full time students to enter into an employment contract as a substitute teacher or substitute educational aide provided certain conditions are met.

---

### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

**Staff:** Thamas Osborn (786-7129).

#### **Background:**

##### **Classification of school districts.**

The Superintendent of Public Instruction is responsible for the classification of school districts based upon student enrollment figures. A school district with a student enrollment of more than 2,000 pupils is classified as a first class school district. All school districts with enrollments of less than 2,000 students are classified as second class school districts.

##### **Prohibition against municipal officers having beneficial interests in public contracts.**

The law prohibits a municipal officer from having a beneficial interest, whether direct or indirect, in any public contract that he or she is involved in creating. In addition, a municipal officer is prohibited from receiving any compensation in connection with such a contract from any other person with a beneficial interest. A "municipal officer" is broadly defined to include

any elected or appointed officer of a local government, district, or municipal corporation, or any deputy or assistant to such officer, and all persons undertaking the exercise of the powers or functions of a municipal officer. An officer or employee of a school district would be included in the definition of "municipal officer."

Exceptions are made to this general prohibition with respect to certain contractual arrangements meeting specified criteria, including but not limited to the following:

- leasing arrangements made by port districts;
- contracts involving payment of less than \$1,500 per month;
- employment contracts involving wages of not more than \$200 per month; and
- the designation of a school director to act as clerk or purchasing agent for a school district.

---

### **Summary of Substitute Bill:**

An officer of a second class school district with fewer than 200 full time students may enter into an employment contract as a substitute teacher or substitute educational aide. The terms of the contract must be commensurate with the pay plan or collective bargaining agreement applicable to the district. In addition, before a school officer can be employed as a substitute teacher or teacher's aide, the board of directors of a second class school district must make a formal finding that there is a shortage of substitute teachers in the school district.

### **Substitute Bill Compared to Original Bill:**

The substitute bill adds a provision requiring that the board of directors of a second class school district make a formal finding that there is a shortage of substitute teachers in the school district.

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** There is currently a shortage of substitute teachers and teacher's aides, and this bill would allow various school officials to fill the gap. In addition, in very small districts there is often a shortage of individuals able to be school board members and this bill would allow substitute teachers and aides to be on the school board. If passed, this bill would help small communities by increasing the pool of individuals available for positions with the school system.

**Testimony Against:** None.

**Persons Testifying:** (In support) Lucinda Young, Washington Education Association; and Dan Steele, Washington State School Director's Association.

**Persons Signed In To Testify But Not Testifying:** None.